

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY LOCATED AT 17756
CORLISS AVE. N., SHORELINE,
WASHINGTON, together with its
Buildings, Improvements, Appurtenances,
Fixtures, Attachments and Easements,

Defendant.

NO. C10-1518RSM

**CONSENT JUDGMENT FOR
FORFEITURE OF \$100,000.00 IN
UNITED STATES CURRENCY IN
LIEU OF DEFENDANT REAL
PROPERTY.**

COMES NOW Plaintiff, United States of America, by and through Jenny A. Durkan, United States Attorney for the Western District of Washington and Francis Franze-Nakamura, Assistant United States Attorney for said District, and Claimant, Earl L. Stahl, Jr., by and through counsel Richard J. Troberman, requesting the Court to enter a Consent Judgment for Forfeiture with respect to the following property:

a. The real property located at 17756 Corliss Ave., N., Shoreline, Washington, King County Parcel No. 660170-0010, together with its Buildings, Improvements, Appurtenances, Fixtures, Attachments and Easements, more particularly described as:

1 Lot 1 PACKHAVEN, according to the plat thereof, recorded
2 in Volume 68 of Plats, Page 14, records of King County,
Washington,

3 Assessor's Tax Parcel Number 660170-0010,

4 (hereinafter the "defendant real property") upon the terms and conditions set forth below.

5 On September 20, 2010, the United States filed a Verified Complaint in rem
6 against the defendant real property pursuant to the provisions of Title 21, United States
7 Code, Sections 881(a)(6) and 881(a)(7), for violations of Title 21, United States Code,
8 Sections 841(a)(1) and 841(b)(1)(C). *See* Docket No. 1.

9 On September 20, 2010, the United States filed Notice of the Complaint for
10 Forfeiture in rem. *See* Docket No. 2. Thereafter, plaintiff served notice on all persons
11 and entities believed to have an interest in the defendant property pursuant to Rule
12 G(4)(b), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture
13 Actions, Federal Rules of Civil Procedure.

14 On October 6, 2010, Claimant Earl L. Stahl, Jr. filed a timely, verified claim as to
15 the above-listed and captioned defendant real property, by and through counsel Richard J.
16 Troberman. *See* Docket No. 5.

17 Notice of the action was published for thirty consecutive days as required by Rule
18 G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset
19 Forfeiture Actions, Federal Rules of Civil Procedure, starting on September 23, 2010
20 until October 25, 2010, on an official government internet site (www.forfeiture.gov). *See*
21 Docket No. 6.

22 All persons and entities believed to have an interest in the defendant real property
23 were given proper notice of the intended forfeiture. No other petitioners or claimants
24 have come forth to assert an interest in the defendant real property, and the time for doing
25 so has expired.

26 On October 26, 2010, the above-captioned civil case was stayed, on stipulation of
27 the parties, pending the resolution of related criminal matter, *United States v. Earl Lavern*
28 *Stahl, Jr.*, Criminal No. CR10-309 JCC. *See* Docket No.7.

1 On January 6, 2011, Mr. Stahl entered into a plea agreement with the United
2 States, through which he entered a guilty plea to the crime of Distribution of Oxycodone.
3 Sentencing is currently scheduled for November 18, 2011.

4 The parties acknowledge receipt by the United States of a cashier's check issued
5 on behalf of Claimant Earl L. Stahl, Jr., and made payable to U.S. Marshals Service, in
6 the amount of \$100,000.00 in United States currency. The parties agree and stipulate
7 that the \$100,000.00 shall become the *substitute res* for the defendant real property in this
8 civil forfeiture action. It is expressly acknowledged by the parties that the \$100,000.00 in
9 United States currency acting as *substitute res* is to be forfeited in lieu of any forfeiture of
10 the defendant real property.

11 Claimant Earl L. Stahl, Jr. agrees and stipulates that the defendant real property is
12 forfeitable to the United States pursuant to Title 21, United States Code, Sections
13 881(a)(6) and 881(a)(7), for violations of Title 21, United States Code, Sections
14 841(a)(1), 841(b)(1)(C), and 846, and consequently agrees to forever waive, release, and
15 surrender any and all claimed interest in the \$100,000.00 in United States currency acting
16 as the *substitute res*. All right, title, and interest in said \$100,000.00 will be fully and
17 finally forfeited to the United States.

18 Upon entry of this consent judgment, the United States shall promptly release the
19 *lis pendens* filed against the defendant real property.

20 Claimant Earl L. Stahl, Jr. agrees that probable cause existed for the institution of
21 this forfeiture action and further agrees to release, forever discharge, and hold harmless
22 the United States of America, its officers, agents, attorneys, servants and employees, from
23 any and all actions, causes of action, suits, proceedings, debts, judgments, damages,
24 claims or demands whatsoever in law or equity which claimant, his heirs, successors or
25 assignees ever had, now have or may have, whether known or unknown, in connection
26 with this forfeiture action and the seizure and detention of the defendant property.

27 Each party further agrees to bear its own costs and attorney's fees.

28 The United States and Claimant Earl L. Stahl, Jr. now stipulate and agree to the

entry of this Consent Judgment for Forfeiture without further adjudication of any issue of fact or law. This Consent Judgment for forfeiture fully and finally resolves all issues in this action. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED and DECREED as follows:

1. This Court has jurisdiction of this matter and over the property and the parties pursuant to 28 U.S.C. § 1345 and § 1355, and venue pursuant to 28 U.S.C. § 1395.

2. Claimant Earl L. Stahl, Jr. has paid the United States, in the form of a cashier's check made payable to the United States Marshals Service, the total sum of \$100,000.00 in United States currency, which payment shall constitute the *substitute res* for the real property located at 17756 Corliss Ave., N., Shoreline, Washington, King County Parcel No. 660170-0010, together with its Buildings, Improvements, Appurtenances, Fixtures, Attachments and Easements, more particularly described as:

Lot 1 PACKHAVEN, according to the plat thereof, recorded in Volume 68 of Plats, Page 14, records of King County, Washington,

Assessor's Tax Parcel Number 660170-0010;

and, as such, is condemned and forfeited to the United States to be disposed of in accordance with the law.

3. The United States will file a Release of Lis Pendens and record such notice with the King County Recorder.

4. Each party is to bear its own costs and attorney's fees.

5. This Consent Judgment represents a full settlement and satisfaction of all claims to the defendant real property and of any civil causes of action arising out of the search, seizure, and forfeiture of the defendant real property. The parties shall execute such further documents, to the extent necessary, to implement the terms of this Consent Judgment.

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1 7. The Clerk of the Court is directed to mail a copy of this Consent
2 Judgment for Forfeiture to each party of record, and to send three additional “raised
3 seal” certified copies to the United States Attorney’s Office, Seattle, WA.

4 DATED this 1st day of December 2011.

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RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

CONSENT

We submit this Consent Judgment for Forfeiture to the Court for signature,
having agreed to its terms and consented to the entry of this Consent Judgment in full
satisfaction of this case and further, we waive any right of appeal.

Respectfully submitted,

JENNY A. DURKAN
United States Attorney

DATED: 11/15/11

s/Francis Franze-Nakamura
FRANCIS FRANZE-NAKAMURA
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(206) 553-2242; Fax (206) 553-6934
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Francis.Franze-Nakamura@usdoj.gov

DATED: 11/9/11

Stahl, Jr.

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s/Richard J. Troberman
RICHARD J. TROBERMAN
Attorney for Claimant Earl L.

1501 Fourth Ave., Suite 2150
Seattle, WA 98101
(206) 343-1111; fax (206) 340-

Email: tmanlaw@aol.com

DATED: 11/9/11

s/Earl L. Stahl, Jr.

EARL L. STAHL, JR.
Claimant

CERTIFICATE OF SERVICE

I hereby certify that on November 15 , 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the claimants(s).

FSA Paralegal IV

S/Jennifer Biretz

JENNIFER BIRETZ,

United States Attorney's Office

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Seattle, Washington 98101-1271
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